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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,326	01/26/2001	Rey Zabat Mendoza		5130

7590

07/02/2002

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EXAMINER

MOY, JOSEPH MAN

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 07/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 1/24/02 is considered non-compliant because it has not been submitted in the format required under 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000).

- ☐ 1. The amendment does not include a clean version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(ii).
- ☒ 2. The amendment does not include a marked-up version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(iii).
- ☐ 3. The amendment does not include a clean version of the amended claim(s). 37 CFR 1.121(c)(1)(i).
- ☐ 4. The amendment does not include a marked-up version of the amended claim(s). 37 CFR 1.121(c)(1)(ii).
- ☒ 5. Other see attached letter.

☐ **PRELIMINARY AMENDMENT:** Unless applicant re-submits the preliminary amendment in compliance with revised 37 CFR 1.121 within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

☐ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

For your convenience, attached to this correspondence is a copy of an informational flyer (MPEP Bookmark Bulletin on "Simplified Amendment Practice").

Legal Instruments Examiner

  
Joseph M. Moy  
Primary Examiner

Serial Number: 09/769326

Art Unit: 3727

The amendment filed on 01/23/02 has not been entered. Should claims 1-2 be amended? If they are amended, a marked up copy of each amended claims is required. The clean copy as filed is acceptable. What is the status of claims 3-5? Are they still pending or canceled? If claims 3-5 are intended to be pending, applicant is required to correct all the alternative languages and redundant languages in such claims. If claims 3-5 are intended to be canceled, a statement such as "Cancel claims 3-5" is required .

Applicant is given ONE MONTH from the date of this letter to correct all the above mentioned defects.

Any inquiry concerning this office action will be directed to Examiner Joseph Moy, (703) 308-1145. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging faxing of responses in Office Actions directly into the group at (703) 305-3579 or (703) 305-3580. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by Applicants who authorize charges to a USPTO deposit account. Please identify the examiner and the art unit at the top of your cover sheet.

Date: 06/24/2002

  
Joseph M. Moy  
Primary Examiner